

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Robert Hart	Team: Team # 4	CCRB Case #: 201304229	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/16/2013 11:00 PM	Location of Incident: Brookville Boulevard and Rockaway Boulevard	Precinct: 105	18 Mo. SOL 11/16/2014	EO SOL 11/16/2014	
Date/Time CV Reported Fri, 05/17/2013 12:46 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 05/17/2013 12:46 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jason Sanders	13561	952210	100 PCT
2. POM Christophe Ciaccio	19606	951612	PBQ/S
3. SGT Timothy Brovakos	01062	943025	PBQ/S

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Ciaccio	Force: PO Christopher Ciaccio pointed his gun at § 87(2)(b) [REDACTED]	
B.POM Christophe Ciaccio	Abuse: PO Christopher Ciaccio refused to provide his shield number to § 87(2)(b) [REDACTED]	
C.POM Christophe Ciaccio	Abuse: PO Christopher Ciaccio frisked § 87(2)(b) [REDACTED]	
D.POM Christophe Ciaccio	Abuse: PO Christopher Ciaccio searched the car in which § 87(2)(b) [REDACTED] was an occupant.	
E.SGT Timothy Brovakos	Abuse: SGT. Timothy Brovakos refused to provide his name to § 87(2)(b) [REDACTED]	
F.POM Jason Sanders	Abuse: PO Jason Sanders refused to provide his name to § 87(2)(b) [REDACTED]	
G.POM Christophe Ciaccio	Abuse: PO Christopher Ciaccio threatened to arrest § 87(2)(b) [REDACTED]	

Case Summary

On May 17, 2013, § 87(2)(b) filed this complaint with the CCRB. On May 16, 2013, at approximately 11PM, § 87(2)(b) had an interaction with members of the NYPD in the vicinity of Brookville Boulevard and Rockaway Boulevard in Queens. The following allegations resulted:

- **Allegation A – Force: PO Christopher Ciaccio pointed his gun at § 87(2)(b)**
- **Allegation B – Abuse of Authority: PO Christopher Ciaccio refused to provide his shield number to § 87(2)(b)**
- **Allegation C – Abuse of Authority: PO Christopher Ciaccio frisked § 87(2)(b)**
- **Allegation D – Abuse of Authority: PO Christopher Ciaccio searched the car in which § 87(2)(b) was an occupant.**
- **Allegation E– Abuse of Authority: SGT. Timothy Brovakos refused to provide his name to § 87(2)(b)**
- **Allegation F – Abuse of Authority: PO Jason Sanders refused to provide his name to § 87(2)(b)**
- **Allegation G – Abuse of Authority: PO Christopher Ciaccio threatened to arrest § 87(2)(b)**

Results of Investigation

§ 87(2)(g)

§ 87(2)(g)

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old Hispanic male who is 6' tall and weighs 150 pounds. § 87(2)(b) has black hair and blue eyes.

CCRB Statement

On May 29, 2013, § 87(2)(b) was interviewed at the CCRB (enc. B4-6). His in-person statement was consistent with the phone statement he provided to the CCRB on May 20, 2013 (enc. B6).

On May 16, 2013, at approximately 11:00 PM, § 87(2)(b) and two friends, § 87(2)(b) and § 87(2)(b) had just finished watching a basketball game at § 87(2)(b) home located at § 87(2)(b) in Queens. § 87(2)(b) was wearing shorts, a black track jacket, and sneakers at the time of the incident. At the conclusion of the game, § 87(2)(b) intended to drive § 87(2)(b) and § 87(2)(b) to their homes in his car. § 87(2)(b) drives a dark grey Lexus ES300, with license plate number § 87(2)(b) which was parked in the driveway of § 87(2)(b).

As § 87(2)(b) drove down 148th Road with § 87(2)(b) and § 87(2)(b) he noticed a marked police van making a U-turn at the end of the street. The van had the number 8742 on the side of it. § 87(2)(b) was in the rear passenger seat and § 87(2)(b) was in the front passenger seat. § 87(2)(b) drove down 148th Road, stopped at the stop sign on the corner of 148th Road and Brookville Boulevard, signaled, and made a right turn onto Brookville Boulevard. § 87(2)(b) proceeded down Brookville Boulevard. At the traffic light at the intersection of

Brookville Boulevard and Rockaway Boulevard, the marked van suddenly appeared behind § 87(2)(b) with its light and sirens on. § 87(2)(b) had not seen the van in his rearview mirror as he drove down Brookville Boulevard and first realized that the van was behind him when it engaged its sirens. § 87(2)(b) immediately pulled over to the right.

§ 87(2)(b) estimated that about five minutes passed between the stop sign on 148th Road and when he was pulled over. There are street lights on Brookville Boulevard, but not all of them work and § 87(2)(b) described the street as dark. There are no buildings in the vicinity of where § 87(2)(b) was pulled over and Brookville Boulevard is bordered on both sides by swamps. The marked van parked about three feet behind § 87(2)(b)'s vehicle. An officer, identified by the CCRB to be PO Christopher Ciaccio, exited his vehicle from the driver's seat with his pistol in his hand and pointed at § 87(2)(b)'s vehicle as he approached the driver's door. PO Ciaccio was described as a uniformed white male, about 5'8 or 5'9 tall, with a stocky build, short hair and no facial hair. While walking towards § 87(2)(b) PO Ciaccio yelled to turn off the vehicle and lower the windows. § 87(2)(b)'s window was all the way down, but the rest of the windows were up. § 87(2)(b) turned off his car and tried to lower the windows in the car, but the buttons were not working. The buttons for the windows are located on the driver's door, and besides trying to press the buttons, § 87(2)(b) did not make any movements. When § 87(2)(b) noticed PO Ciaccio had his gun drawn, he tried to move as little as possible. He was not sure if either of his passengers made any movements while PO Ciaccio approached. § 87(2)(b) later realized that he had accidentally locked his windows. PO Ciaccio, still advancing upon § 87(2)(b) with his gun pointed at the vehicle, commanded § 87(2)(b) again to lower the windows. § 87(2)(b)'s window was already down and he told PO Ciaccio that he couldn't lower the rest of the windows because the button was not working. PO Ciaccio continued to yell at § 87(2)(b) to lower his windows. § 87(2)(b) got the impression that PO Ciaccio felt threatened by him and his passengers but did not understand as his vehicle did not have tinted windows. § 87(2)(b) believed that two other officers, identified by the CCRB as PO Jason Sanders and Sgt. Timothy Brovakos, exited the vehicle shortly after PO Ciaccio. § 87(2)(b) was not sure when they exited the vehicle or if additional officers remained in the marked van. PO Sanders and Sgt. Brovakos were both described as uniformed white males. One of the officers wore glasses, and § 87(2)(b) read the name "Sanders" on one of their nameplates.

Once PO Ciaccio got to the driver's door, he opened it from the outside and holstered his gun. § 87(2)(b) unbuckled his seatbelt as PO Ciaccio placed one hand on § 87(2)(b)'s left arm. § 87(2)(b) stepped out of the vehicle and PO Ciaccio gripped his arm as he did so. § 87(2)(b) asked why he was being pulled over but PO Ciaccio did not respond. PO Ciaccio asked for identification and § 87(2)(b) complied. PO Ciaccio handed § 87(2)(b)'s identification to either Sgt. Brovakos or PO Sanders. PO Ciaccio then turned § 87(2)(b) towards his vehicle and instructed him to put his hands on top of the car. § 87(2)(b) asked PO Ciaccio once for his badge number immediately before the frisk began and PO Ciaccio did not respond. PO Ciaccio frisked § 87(2)(b) running his hands over § 87(2)(b)'s clothing, but § 87(2)(b) had nothing in his pockets or on his person. PO Ciaccio started the frisk from § 87(2)(b)'s shoulders and worked his way down, feeling his ribs, the area around his crotch, and his shorts pockets. PO Ciaccio did not go into any of § 87(2)(b)'s pockets.

Once the frisk was finished, PO Ciaccio told § 87(2)(b) to stand at the rear of his vehicle. During the frisk, § 87(2)(b) noticed that PO Sanders and Sgt. Brovakos were standing silently near § 87(2)(b) and § 87(2)(b) near the rear of his vehicle. PO Sanders and Sgt. Brovakos were both uniformed white males.

§ 87(2)(b) did not know exactly when his two passengers exited his vehicle but knows that they did so at some point. After instructing § 87(2)(b) to stand by the rear of his

vehicle, PO Ciaccio began to search the vehicle. § 87(2)(b) asked both Sgt. Brovakos and PO Sanders what precinct they were from and what their last names were but received no reply. § 87(2)(b) was only about a foot away from Sgt. Brovakos and PO Sanders when he asked for their information. They did not respond to his questions, but § 87(2)(b) made eye contact with both Sgt. Brovakos and PO Sanders as he asked. The upholstery on § 87(2)(b)'s driver seat and front passenger seat was somewhat frayed and torn, but § 87(2)(b) noticed much larger rips as a result of PO Ciaccio's search of the vehicle. § 87(2)(b) thought that PO Ciaccio may have suspected him of hiding something within the ripped seat. § 87(2)(b) saw PO Ciaccio search inside of his glove compartment. After the incident, § 87(2)(b) also noticed that the contents of an ashtray in the back seat had been dumped on the floor and that the contents of his center console had been rifled through. PO Ciaccio searched the vehicle through all three of the open doors, with his entire body in the car and his feet on the pavement. During the search of the vehicle, § 87(2)(b) asked PO Ciaccio why he was searching the vehicle and if he had any right to do so. PO Ciaccio did not reply.

After PO Ciaccio searched the vehicle, § 87(2)(b) again asked him why he had been pulled over. PO Ciaccio told § 87(2)(b) "You're not in control, I'm in control." § 87(2)(b) was frightened when PO Ciaccio approached his vehicle with his gun drawn, but spoke calmly during the entirety of the interaction. § 87(2)(b) got the impression that PO Ciaccio was trying to provoke him into an argument. PO Ciaccio asked § 87(2)(b) and § 87(2)(b) for their addresses and they provided them. After hearing their addresses, PO Ciaccio asked § 87(2)(b) why he had proceeded down Brookville Boulevard to get onto Rockaway Parkway when he could have taken the Belt Parkway. PO Ciaccio expressed to § 87(2)(b) that he believed his choice to go down Brookville Boulevard was because § 87(2)(b) wanted to dispose of contraband. § 87(2)(b) explained that he has always taken that route and did not understand why his choice of streets would be an issue. PO Ciaccio told § 87(2)(b) that if he kept talking back to him that he would be arrested and his friends could walk home. After that, § 87(2)(b) did not ask PO Ciaccio anything else. Either Sgt. Brovakos or PO Sanders asked § 87(2)(b) if he was working or if he was in school and he informed them that he was applying to become a security guard. § 87(2)(b) thought they were trying to gauge what type of person he was. Before the marked van left the area, PO Ciaccio told § 87(2)(b) and his passengers to get back inside the vehicle. PO Ciaccio returned to § 87(2)(b)'s vehicle and told him that he was being issued a ticket for § 87(2)(b) because he left 148th Road quickly and did not obey the stop sign on Brookville Boulevard and 148th Road.

Attempts to Contact Civilians

Multiple attempts were made to interview § 87(2)(b) and § 87(2)(b). § 87(2)(b) provided phone numbers for both § 87(2)(b) and § 87(2)(b) but was unable to provide home addresses for either of them. On June 19 and November 15, 2013, the undersigned called § 87(2)(b) and his phone was out of service. On June 19, 2013, the undersigned contacted § 87(2)(b) and she agreed to be interviewed at the CCRB on June 26, 2013. § 87(2)(b) missed her appointment without calling to cancel or reschedule. On January 30, 2014, the undersigned investigator called § 87(2)(b) and his phone was out of service. On January 30, 2014, the undersigned called § 87(2)(b) and she asked to be contacted on January 31, 2014 to schedule an interview. On January 31, 2014, the undersigned called § 87(2)(b) and left her a voicemail requesting that she contact the CCRB. On May 8, 2014, the undersigned called § 87(2)(b) and her phone was out of service. On May 8, 2014, the undersigned called four numbers for § 87(2)(b) that was revealed in a LexisNexis search, all four numbers were out of service. Also on May 8, 2014, the undersigned called a number for § 87(2)(b) that was revealed in a LexisNexis search and a woman answered and denied that this was a point of contact for § 87(2)(b). On

May 8 and May 20, 2014, the undersigned sent please call letters to § 87(2)(b)'s home address. Neither letter was returned to the CCRB by the United States Postal Service. To date, neither § 87(2)(b) nor § 87(2)(b) have contact the CCRB.

NYPD Statements:

Subject Officer: SGT. TIMOTHY BROVAKOS

- *Sgt. Timothy Brovakos is a § 87(2)(b)-old white male who is 5'10" tall and weighs 200 pounds. Sgt. Brovakos has brown hair and blue eyes.*
- *Sgt. Brovakos worked from 7:10PM to 4:07AM. Sgt. Brovakos was dressed in uniform and worked with PO Christopher Ciaccio and PO Jason Sanders. Sgt. Brovakos and his partners were assigned to Impact patrol within the 105th Precinct.*

Memo Book

At 11:10PM, Rockville Boulevard and Brookville Boulevard. Reckless/refusal to lower windows, aggressive flailing arms and furtive movements. At 11:20PM, summons served, other report prepared (enc. C1-2).

CCRB Statement

On January 10, 2014, Sgt. Timothy Brovakos was interviewed at the CCRB (enc. C3-5).

On May 16, 2013, Sgt. Brovakos was assigned as an IRT supervisor. His operator was PO Ciaccio and he was also partnered with PO Sanders and PO Wetherell. Sgt. Brovakos was not sure if PO Wetherell was present during this incident. Sgt. Brovakos was assigned to RMP #5032. At approximately 11:10PM, Sgt. Brovakos and his partners were in the vicinity of Brookville Boulevard and 148th Road in Queens conducting regular patrol. At that location, Sgt. Brovakos and his partners observed a running vehicle with multiple passengers parked in front of a house facing westbound. Sgt. Brovakos described the area as "desolate but nonetheless residential." Sgt. Brovakos noted that there is a burglary condition in the 105th Precinct.

Sgt. Brovakos' vehicle proceeded to the end of 148th Road and made a U-turn. Sgt. Brovakos' intention was to drive by the vehicle and observe the occupants to see if they were alright and to see if the vehicle had a license plate. Sgt. Brovakos noted that while he was suspicious of the vehicle, he did not have cause to approach the occupants when he first observed them. As they made a U-turn, the civilian vehicle reversed out of its parking space and drove towards Brookville Boulevard at a high rate of speed. Sgt. Brovakos and his partners attempted to catch up with the vehicle which was travelling at a high rate of speed. Sgt. Brovakos noted that Brookville Boulevard leads onto Snake Road which leads onto the Rockaway Parkway. After observing the vehicle speed away, it was Sgt. Brovakos' intention to pull over the vehicle and issue the driver a citation. Sgt. Brovakos was not sure at what point they activated their lights and sirens to affect the vehicle stop but noted that he did not lose sight of the vehicle during the pursuit despite its excessive speed. Sgt. Brovakos thought it was possible that the occupants of the vehicle were attempting to dispose of contraband while they were driving. Sgt. Brovakos also thought that it was possible that the vehicle was stolen. Sgt. Brovakos based his suspicion that the occupants of the vehicle were attempting to evade the police, leading him to believe that they had committed a crime.

Sgt. Brovakos described Snake Road as a curvy and poorly lit two-way stretch of road between ¼ and ½ a mile long. Snake Road is surrounded on both sides by marshland. Sgt. Brovakos offered that because of the hazardous conditions on Snake Road, it is not advisable to travel more than thirty or thirty-five miles per hour while on Snake Road. Sgt. Brovakos estimated that the civilian vehicle was travelling between fifty-five and seventy-five miles per hour while on this road. The civilian vehicle came to a stop at a red light behind two or three

other vehicles prior to the intersection of Snake Road and Rockaway Parkway. Sgt. Brovakos stated that this red light was what caused the civilian vehicle to stop.

Sgt. Brovakos believed that his turret lights were activated when they caught up with the civilian vehicle. Using the siren and turret lights, Sgt. Brovakos and his partners were able to get the civilian vehicle to pull over to the right. Sgt. Brovakos and his partners all exited their vehicle and approached the civilian vehicle. Sgt. Brovakos noted that the side windows of the vehicle were darkly tinted but that the back windshield was not tinted. Through the back windshield, Sgt. Brovakos observed both the driver and the front right passengers of the vehicle moving around.

Sgt. Brovakos was more drawn to the front right passenger who appeared to lifting himself off his seat. Sgt. Brovakos interpreted this movement as the front right passenger possibly putting something in his pants or behind his back. Sgt. Brovakos noted that the intersection of Rockaway Parkway and Snake Road was better lit than the rest of Snake Road, but the area in which in the vehicle stop took place was still poorly lit and did not illuminate the inside of the vehicle. Sgt. Brovakos saw, “shadows moving fast” and noted that every occupant of the vehicle was making movements as he and his partners approached. Sgt. Brovakos noted that this amount of movement inside of a vehicle is not typical for people who have been stopped by the police. At this time, Sgt. Brovakos was scared and thought that the passengers of the vehicle may have been committing a robbery at the location where they were originally observed. Sgt. Brovakos noted that his, “initial thought was that one of them has a gun. Why else would you be moving like that? You’re not going to move like, everybody’s not going to move like that for a little bit of weed or something.” Sgt. Brovakos was not sure if he communicated his observations to his partners as they approached the vehicle.

As Sgt. Brovakos approached the passenger side of the vehicle, he ordered the occupants to lower the windows in a “commanding voice” so they could be heard. Sgt. Brovakos shined his flashlight into the interior of the vehicle and approached slowly. Sgt. Brovakos drew his firearm as he approached but did not point it at the vehicle. Sgt. Brovakos did not see if PO Ciaccio or PO Sanders drew their firearms and did not see them point their firearms during the incident. The occupants did not immediately roll down their windows and were issued several orders to do so. It took several seconds for the occupants to roll down the windows. This delay further led Sgt. Brovakos to believe that the occupants had something to hide or were buying themselves time to hide something.

Eventually, the windows were rolled down and Sgt. Brovakos asked the front passenger to step out of the vehicle. Sgt. Brovakos described the demeanor of the driver of the vehicle, § 87(2)(b) and the front passenger, § 87(2)(b) as combative and unwilling to follow commands issued by the officers. Sgt. Brovakos frisked the waist band of § 87(2)(b) but did not find a weapon. Sgt. Brovakos described the demeanor of § 87(2)(b) as very angry and stated that he was screaming, using profanity, and flailing his arms as he exited the vehicle. Sgt. Brovakos frisked § 87(2)(b) because he thought that he had a gun. Sgt. Brovakos based this on the furtive movements he observed, the behavior of the vehicle and the occupants at a burglary prone location, and other factors that may have existed at the time that Sgt. Brovakos has subsequently forgotten.

Sgt. Brovakos did not see if § 87(2)(b) was frisked, but imagined that he was and opinioned that he should have been because it was a dangerous situation. While Sgt. Brovakos approached § 87(2)(b) either PO Sanders or PO Ciaccio or possibly both, approached § 87(2)(b) § 87(2)(b) Sgt. Brovakos did not know what interaction occurred between § 87(2)(b) and PO Ciaccio and PO Sanders. While § 87(2)(b) did exit the vehicle, Sgt. Brovakos did not know if he had been asked to produce identification or what other factors may have led to § 87(2)(b) § 87(2)(b) exiting the vehicle or if he did so of his own volition. Sgt. Brovakos did note that § 87(2)(b)

§ 87(2)(b) was screaming, using profanity, and flailing his arms as he exited his vehicle. Sgt. Brovakos did not know if § 87(2)(b) or § 87(2)(b) exited the vehicle first.

After Sgt. Brovakos frisked § 87(2)(b) all three occupants of the vehicle and the officers had a discussion at the rear of § 87(2)(b)'s vehicle. Sgt. Brovakos believed the discussion consisted of asking them where they were going, what they were doing in the area, and what they had been doing at the location where they were first observed. Sgt. Brovakos noted that he didn't think that any of them lived in the area and that the answers that they provided to his questions didn't make sense and were not consistent. However, Sgt. Brovakos could not recall what he asked and what answers that were provided were inconsistent. During this discussion, the occupants of the vehicle were non-compliant and combative. Sgt. Brovakos looked inside the vehicle but did not put any part of his body inside the vehicle or search the immediate grabble area of any of the occupants. Sgt. Brovakos did not see either PO Sanders or PO Ciaccio search the vehicle or go inside the vehicle. Sgt. Brovakos did not tell § 87(2)(b) that he would be arrested if he spoke back or continued speaking. Sgt. Brovakos did not hear either PO Sanders or PO Ciaccio say so. Sgt. Brovakos did not mention if he or his partners were asked to provide their names to § 87(2)(b).

Sgt. Brovakos believed that § 87(2)(b) was issued citations by either PO Sanders or PO Ciaccio for § 87(2)(b). The driver may have also been issued a citation for disorderly conduct. Sgt. Brovakos described the driver making a scene during the vehicle stop by flailing his arms, cursing, and screaming. Sgt. Brovakos noted that the motorists in the area were watching the stop and frazzled by the way § 87(2)(b) was acting.

Subject Officer: PO CHRISTOPHER CIACCIO

- *PO Christopher Ciaccio is a § 87(2)(b) -year-old white male who is 5'8" tall and weighs 158 pounds. PO Ciaccio has blonde hair and green eyes.*
- *PO Ciaccio worked from 6PM to 2:05AM. PO Ciaccio was dressed in uniform and worked with PO Jason Sanders and Sgt. Timothy Brovakos. PO Ciaccio was assigned to Impact patrol within the 105th Precinct.*

Summons § 87(2)(b)

Summons #§ 87(2)(b) prepared by PO Ciaccio for § 87(2)(b) At 11:10PM on May 16, 2013, at Brookville Boulevard and 149th Avenue in Queens. § 87(2)(b) (enc. C6-7).

UF250

UF250 #2013-105§ 87(2)(b). At 11:10PM, at the intersection of Brookville Boulevard and Rockaway Boulevard in Queens. Stop of § 87(2)(b) for suspected criminal possession of a weapon and grand larceny auto. Duration of stop was ten minutes. Circumstances that led to stop were furtive movements and failure to obey officer's directions leading to fear of safety. Person was frisked because of furtive movements, refusal to comply with officers directions leading to reasonable fear of safety, and suspicion of violent crime. Person was not searched, contraband was not found, the demeanor of the person after being stopped was hostile. Additional circumstances were the evasive response to officer's questions, changing direction at the sight of officers, and sights and sounds of criminal activity (enc. C8).

Memo Book

At 11:10PM, Grey four door Lexus with NY State plate #§ 87(2)(b) 3 occupants driving recklessly southbound on Brookville Boulevard at 149th Avenue. Vehicle observed driving at excessive speeds, crossing over double yellow line south on 149th Avenue causing vehicles to swerve out of way. Vehicle finally stopped for marked van #8472 on south bound Brookville Boulevard and Rockaway Boulevard. Motorist refused to roll down driver side and passenger side windows. Furtive movements made by motorist while officer approach. Motorist and occupant removed from vehicle for officer safety. Motorist very hostile and anxious, has inconsistent answers to questions. § 87(2)(b) of § 87(2)(b) DOB § 87(2)(b). NY Class D license #§ 87(2)(b) expires § 87(2)(b) Motorist frisked, lungeable/grabbable area checked. No weapons or contraband. Motorist fidgeting and giving officer hard time. Motorist issued summons § 87(2)(b). Summons #§ 87(2)(b) Sgt. Brovakos. UF250 prepared by PO Sanders for occupants. Summons issued, other report prepared (enc. C9).

CCRB Statement

On November 12, 2013, PO Christopher Ciaccio was interviewed at the CCRB (enc. C13-14).

On May 16, 2013, at approximately 11:10PM PO Ciaccio was driving marked police van #8742 with PO Jason Sanders. PO Ciaccio made no mention of Sgt. Brovakos during his statement to the CCRB. PO Ciaccio and PO Sanders were conducting patrol in the vicinity of Brookville Boulevard and 149 Avenue in Queens when they noticed a grey Lexus sedan, operated by § 87(2)(b) driving southbound on Brookville Boulevard toward Rockaway Boulevard. When PO Ciaccio first observed § 87(2)(b) PO Ciaccio had just turned northbound on Brookville Boulevard from 149th Avenue. PO Ciaccio had only driven a few feet north on Brookville Boulevard when he observed § 87(2)(b) driving southbound on Brookville Boulevard at a high rate of speed through the intersection. PO Ciaccio did not know how fast § 87(2)(b) was driving but stated that he was driving over the speed limit. Once PO Ciaccio turned and began to follow behind § 87(2)(b) § 87(2)(b) accelerated and continued down Brookville Boulevard. PO Ciaccio described Brookville Boulevard as a curvy and poorly lit street and he observed § 87(2)(b) cross over the double yellow line several times causing vehicles in the opposite lane to move out of his way. PO Ciaccio activated his lights and sirens a couple hundred feet away from the intersection of Brookville Boulevard and Rockaway Boulevard. § 87(2)(b) did not pull over immediately, but continued about fifty feet near before pulling over to the right.

PO Ciaccio does not remember if PO Sanders exited the vehicle at the same time as he did. PO Ciaccio parked his vehicle about fifteen feet behind § 87(2)(b)'s vehicle. As PO Ciaccio approached the driver's side of § 87(2)(b)'s vehicle, he ordered § 87(2)(b) to turn on the interior lights and roll down the windows more than once. These commands were not complied with and PO Ciaccio noted that the occupants of the vehicle were moving their arms and shoulders around. It appeared as if § 87(2)(b) and the front passenger were making movements towards the dashboard and towards the center console. Once PO Ciaccio approached § 87(2)(b)'s window, the windows were eventually rolled down. PO Sanders approached the passenger side of the vehicle. PO Ciaccio did not have his pistol drawn as he approached the vehicle or at any point during the incident. PO Ciaccio did have his hand near his pistol as he approached, but it remained in the holster the entire time. PO Ciaccio noted that given the circumstances, there was no need to draw his pistol. PO Ciaccio did not see PO Sanders draw his pistol at any point during the incident.

Once PO Ciaccio approached § 87(2)(b)'s window, he informed § 87(2)(b) that he had been pulled over for driving recklessly and asked for his license, registration, and

proof of insurance. § 87(2)(b) did not immediately provide his credentials but asked why he had been pulled over and stated that he didn't understand why he had been pulled over and claimed that he was being harassed. PO Ciaccio did not remember any of the questions that he asked § 87(2)(b) that § 87(2)(b) provided inconsistent answers for. PO Ciaccio could not say for sure if he asked § 87(2)(b) to where he was driving. PO Ciaccio asked § 87(2)(b) to step out of the vehicle and he complied. PO Ciaccio did not place hands on § 87(2)(b) or pull him out of the vehicle. § 87(2)(b) was asked to step towards the rear of his vehicle where PO Sanders frisked him. PO Ciaccio noted that it was a joint decision to frisk § 87(2)(b) and that he was frisked because of the furtive movements the officers observed as they approached the vehicle, § 87(2)(b)'s refusal to roll down his windows, refusal to turn on his interior light, and the inconsistent answers that § 87(2)(b) provided when questioned by PO Ciaccio. PO Ciaccio stated that these factors lead to § 87(2)(b)'s frisk because he could have had a weapon hidden on his person or in his vehicle.

While the frisk occurred, PO Ciaccio searched the area of the vehicle around the driver's seat. PO Ciaccio only searched the area around the driver's seat but did not know specifically where he looked. PO Ciaccio did not open the glove compartment, look in the rear of the vehicle or open the trunk. PO Ciaccio did search the area under the driver's seat and the center console. PO Ciaccio did not know if the console was open or closed. No contraband was recovered as a result of the search. PO Ciaccio only looked through the open driver's door and did not open any other doors or compartments or search any other part of the vehicle. PO Ciaccio did not see PO Sanders open any of the doors to the vehicle or search the vehicle. PO Ciaccio did not frisk § 87(2)(b) or his two passengers. PO Ciaccio did not see PO Sanders frisk anyone besides § 87(2)(b). PO Ciaccio did not remember if § 87(2)(b) requested his name and shield number at any point during the incident. PO Ciaccio did not tell § 87(2)(b) that he would be arrested if he continued to talk back to the officers.

Subject Officer: PO JASON SANDERS

- *PO Jason Sanders is a § 87(2)(b)-year-old white male who is 5'11" tall and weighs 195 pounds. PO Sanders has brown hair and brown eyes.*
- *PO Sanders worked from 6PM to 2:35AM. PO Sanders was dressed in uniform and worked with Sgt. Timothy Brovakos and PO Christopher Ciaccio. PO Sanders was assigned to Impact patrol within the 105th Precinct.*

Memo Book

At 11:10PM, Grey four door Lexus with NY State plate #§ 87(2)(b) 3 occupants driving recklessly southbound on Brookville Boulevard at 149th Avenue causing vehicles to swerve out of way. Vehicle finally stopped for marked van #8472 on southbound Brookville Boulevard and Rockaway Boulevard. Passenger refused to roll down windows. Furtive movements were made by passenger while officers approached. Passenger removed as well as driver for officer safety. § 87(2)(b) of § 87(2)(b). DOB § 87(2)(b) NY Class D driver license #§ 87(2)(b) No weapons or contraband(enc. C15-17).

CCRB Statement

On September 17, 2013, PO Jason Sanders was interviewed at the CCRB (enc. C18-20).

On May 16, 2013, at approximately 11:10PM PO Sanders was in marked police van 8742 with PO Christopher Ciaccio and Sgt. Brovakos. PO Ciaccio was driving the vehicle, Sgt. Brovakos was seated in the front passenger seat, and PO Sanders was seated in the first row of passenger seats. PO Sanders and his partners were conducting patrol in the vicinity of Brookville Boulevard and Rockaway Boulevard in Queens when they noticed a grey Lexus sedan, operated

of him exiting the vehicle and determined that the bulge was caused by a clip on cellphone. PO Sanders described § 87(2)(b) as cooperative and noted that when asked if he had anything that he shouldn't, § 87(2)(b) offered to remove the items from his pockets revealing them to be two different cellphones, headphones, and money. § 87(2)(b) provided identification from his wallet upon request and PO Sanders prepared a UF-250. While he was interacting with § 87(2)(b) PO Sanders noticed Sgt. Brovakos stick his head into the car through the open driver's door and shine a flashlight into the interior of the vehicle.

Once he had finished writing the UF-250, PO Sanders observed that § 87(2)(b) was seated on his rear bumper talking to PO Ciaccio and Sgt. Brovakos about the summons that § 87(2)(b) had received. PO Sanders did not remember what § 87(2)(b) said specifically, but noted that he was rude and unhappy about being pulled over. PO Sanders remembered that § 87(2)(b) spat on the ground on one occasion while speaking to the officers. PO Sanders noted that when § 87(2)(b) was asked to where he was driving, he provided an answer that didn't make sense given the street he was on. PO Sanders did not remember where § 87(2)(b) said he was going before he was pulled over but stated that he was dropping his passengers off at a location that was in the opposite direction from the route he appeared to be taking. While PO Ciaccio prepared the summons for § 87(2)(b) § 87(2)(b) requested PO Sanders name and shield number and PO Sanders pointed to his shield and nameplate and said, "It's right here." PO Sanders heard § 87(2)(b) request Sgt. Brovakos and PO Ciaccio's names and shield numbers and they too pointed to their badges and nameplates. PO Ciaccio issued § 87(2)(b) two summons and then PO Sanders and his partners resumed patrol.

Summons for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- As of April 28, 2014, a FOIL request for any Notice of Claim with the City of New York filed by § 87(2)(b) in regards to this incident is currently pending.

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (enc. A4).

Subject Officers CCRB History

- Sgt. Timothy Brovakos has been a member of the service for seven years and there are no substantiated CCRB allegations against him (enc. A1).
- PO Christopher Ciaccio has been a member of the service for two years and there are no substantiated CCRB allegations against him. (enc. A2).
- PO Jason Sanders has been a member of the service for two years and there are no substantiated CCRB allegations against him. (enc. A3).

Conclusion

Identification of Subject Officers

Sgt. Brovakos, PO Ciaccio, and PO Sanders all acknowledged participating in the vehicle stop of § 87(2)(b) PO Ciaccio prepared a summons and a UF250 for § 87(2)(b) § 87(2)(b)

§ 87(2)(b) consistently stated that the officer who initially approached him was the same officer who pointed a gun at him, refused to provide his shield number, frisked him, and searched his vehicle. While all three officers acknowledged approaching the vehicle during the stop, PO Ciaccio was the only officer who took responsibility for approaching § 87(2)(b) while he was in the driver's seat. Furthermore, § 87(2)(b) alleged that PO Ciaccio performed a full search of his vehicle while he stood with Sgt. Brovakos and PO Sanders at the rear of his vehicle and PO Ciaccio was the only officer to admit to searching § 87(2)(b)'s vehicle. § 87(2)(g)

Due to the similar descriptions provided by § 87(2)(b) of PO2 and PO3, the investigation was unable to determine which officer was Sgt. Brovakos and which officer was PO Sanders. Although § 87(2)(b) stated that either PO2 or PO3 wore eyeglasses, neither officer wore eyeglasses at the time of their interview with the CCRB. Regardless, the only allegations made against Sgt. Brovakos and PO Sanders were that they refused to provide their names to § 87(2)(b). § 87(2)(g)

Investigative Findings and Recommendations

- **Allegation A – Force: PO Christopher Ciaccio pointed his gun at § 87(2)(b)'s vehicle.**

§ 87(2)(b) alleged that as PO Ciaccio, approached his vehicle he did so with his gun pointed at the vehicle. Once PO Ciaccio arrived at his door, PO Ciaccio holstered his weapon and forcibly removed § 87(2)(b) from his vehicle. While PO Ciaccio denied removing § 87(2)(b) from his vehicle, he acknowledged that he approached § 87(2)(b) while PO Sanders approached the passenger side of the vehicle. Likewise, PO Sanders and Sgt. Brovakos described PO Ciaccio interacting with § 87(2)(b).

PO Ciaccio denied drawing his weapon during the interaction and stated that there would have been no reason to do so. PO Ciaccio stated that he did not see PO Sanders draw his weapon, and did not mention that Sgt. Brovakos was present during the incident. However, Sgt. Brovakos acknowledged that he drew, but did not point, his weapon as he approached § 87(2)(b)'s vehicle because he feared for his safety, but Sgt. Brovakos did not see either PO Ciaccio or PO Sanders draw their weapons during the interaction.

§ 87(2)(g)

- **Allegation B – Abuse of Authority: PO Christopher Ciaccio refused to provide his shield number to § 87(2)(b).**

§ 87(2)(b) claimed that immediately after being forcibly removed from his vehicle by PO Ciaccio, he asked for PO Ciaccio's shield number. PO Ciaccio denied forcibly removing § 87(2)(b) from his vehicle, and stated that he only asked § 87(2)(b) to step out of his vehicle after § 87(2)(b) had hesitated to provide identification and asked why he was being pulled over. PO Ciaccio stated that § 87(2)(b) exited his vehicle when asked and stepped to the rear of his vehicle.

PO Ciaccio could not recall if § 87(2)(b) asked him for his shield number at any point during their interaction, but his name and tax registry number do appear on the summons that he issued to § 87(2)(b). PO Sanders stated that, contrary to § 87(2)(b)'s statement, § 87(2)(b) asked for all three officers' names and shield numbers while they all stood at the rear of § 87(2)(b)'s vehicle, and that upon being asked, all three officers pointed to their

nameplates and shield numbers rather than verbally providing them. § 87(2)(g)

- **Allegation C – Abuse of Authority: PO Christopher Ciaccio frisked** § 87(2)(b)

§ 87(2)(b) claimed that upon being removed from his vehicle by PO Ciaccio, he was immediately turned to face his vehicle and frisked by PO Ciaccio. PO Ciaccio denied that he frisked § 87(2)(b) and claimed that after § 87(2)(b) exited his vehicle, he was directed to the rear of his vehicle where he was frisked by PO Sanders. Sgt. Brovakos stated that he did not see if § 87(2)(b) was frisked by either PO Sanders or PO Ciaccio. PO Sanders denied that he frisked § 87(2)(b) and did not see if PO Ciaccio or Sgt. Brovakos frisked § 87(2)(b).

Despite none of the officers admitting to frisking § 87(2)(b) the frisk of § 87(2)(b) was documented in both a UF250 prepared by PO Ciaccio and in a memo book entry prepared by PO Ciaccio. When questioned about the circumstances leading to the frisk as documented in the UF250 that he prepared, PO Ciaccio cited § 87(2)(b)'s refusal to roll down his windows, his failure to turn on his interior light when ordered to do so, and the inconsistent answers that § 87(2)(b) provided to PO Ciaccio's questions as factors that justified a frisk. PO Ciaccio did not remember any of the questions that he asked § 87(2)(b) and did not remember any of the inconsistent answers that § 87(2)(b) provided. PO Ciaccio noted that it was a joint decision between himself and PO Sanders to frisk § 87(2)(b). PO Ciaccio stated that he feared that § 87(2)(b) could have a weapon on his person or in his vehicle based on his behavior during the stop.

Although the available documentation suggests that PO Ciaccio frisked § 87(2)(b) PO Ciaccio denied it and neither Sgt. Brovakos nor PO Sanders saw him frisk § 87(2)(b).

- **Allegation D – Abuse of Authority: PO Christopher Ciaccio searched the car in which** § 87(2)(b) **was an occupant.**

§ 87(2)(b) stated that after he was removed from the vehicle, he observed PO Ciaccio search his vehicle. Specifically it is alleged that PO Ciaccio leaned into all three of the open doors of the vehicle with his entire body in the car and his feet on the pavement. § 87(2)(b) also saw PO Ciaccio search his glove compartment and noted that when he returned to his vehicle at the conclusion of the incident, the contents of an ashtray in the back seat had been dumped on the floor and that the contents of his center console had been rifled through.

Neither Sgt. Brovakos nor PO Sanders saw PO Ciaccio search inside the vehicle. However, PO Ciaccio acknowledged only that he searched the immediate grabble area of the driver's seat after § 87(2)(b) had exited the vehicle. PO Ciaccio could not recall exactly where he looked but denied that he searched the glove compartment and denied that he searched any part of the vehicle besides the area around the driver's seat. PO Ciaccio acknowledged that he looked under § 87(2)(b)'s seat and that he searched the center console, but PO Ciaccio did not know if the console was open or closed. PO Ciaccio stated that, based on § 87(2)(b)'s behavior, he feared that § 87(2)(b) may have had a weapon hidden on his person or in his vehicle.

In People v. Mundo, 286 AD2d 592, 730 N.Y.S.2d 305, the court established that a limited vehicle search was permitted because, “The blatant disregard of the officers' directions, the obvious lack of concern for the safety of others, in addition to defendant's suspicious acts, created a perceptible risk to the officers that a weapon located within the vehicle would be a specific danger to their safety. The limited police intrusion in that area within the vehicle where the furtive movements had been seen was therefore justified.”

§ 87(2)(g)

§ 87(2)(g)

- **Allegation E– Abuse of Authority: SGT. Timothy Brovakos refused to provide his name to § 87(2)(b)**
- **Allegation F – Abuse of Authority: PO Jason Sanders refused to provide his name to § 87(2)(b)**

§ 87(2)(b) stated that as PO Ciaccio searched his vehicle, § 87(2)(b) asked both Sgt. Brovakos and PO Sanders for their names and command. According to § 87(2)(b) neither officer replied to this request. According to PO Sanders, upon being asked for their names and shield numbers by § 87(2)(b) he and both Sgt. Brovakos and PO Sanders all pointed to their nameplates and shields.

Sgt. Brovakos recounted a conversation with § 87(2)(b) that occurred at the rear of § 87(2)(b)'s vehicle. Though Sgt. Brovakos could not recall what was specifically said, he believed that § 87(2)(b) was asked where he were going, what he were doing in the area, and why he had been parked on 148th Road when the officers first observed him. Sgt. Brovakos stated that § 87(2)(b) was hostile and provided inconsistent answers to the questions posed to him. Sgt. Brovakos did not mention if § 87(2)(b) ever asked for his name or either PO Sanders' or PO Ciaccio's names. Both § 87(2)(b) and § 87(2)(b) were unavailable to the CCRB. § 87(2)(g)

- **Allegation G – Abuse of Authority: PO Christopher Ciaccio threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged that, in the course of his conversation with PO Ciaccio at the rear of his vehicle, PO Ciaccio told him that, “If he kept talking back to him that he would be arrested and his friends could walk home.” PO Ciaccio denied making this statement, and neither Sgt. Brovakos nor PO Sanders heard PO Ciaccio make this statement or made the statement themselves. Both § 87(2)(b) and § 87(2)(b) were unavailable to the CCRB, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: 4

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date